

Remarks

The Office Action and the references cited therein have been carefully considered and the above amendment is presented in an effort to advance prosecution of the Application. Applicant has amended independent Claims 1, 5 and 15, cancelled dependent claims 6-10, and amended dependent Claims 11-14, 17 and 18. In light of these amendments and the reasons provided below, Applicant believes the Claims are distinguishable over the prior art.

In paragraph 2 of the Office Action the Office Action dated August 26, 2005, Claims 1-9 and 15-21 are rejected under 35 U.S.C. §102(b), as being anticipated by US Patent 2,732,941 to Deiss (hereinafter "Deiss"). Applicant respectfully traverses the rejection of Claims 1-9 and 15-21 as amended as not being anticipated by Deiss, as explained below.

In order for a prior art reference to anticipate an invention under 35 USC 102(b), every aspect of the invention must be taught by the reference, either explicitly or impliedly. Deiss does not disclose all the elements of the present Application. Deiss discloses a cleaning shoe that has baffle arms [panels] (41, 43). However, the baffles of Deiss do not have separate weights affixed to the outer end thereof as specified in independent Claims 1, 5, and 15 of the present invention as amended, and therefore Deiss does not anticipate the present invention. Additionally, the baffles of Deiss are not made of a flexible material, and are not intended to flap back and forth with movement of the shoe, but instead are made of a rigid material, and are intended to be fixed in place. The baffles of Deiss have sleeves (42, 44) welded to the inner end thereof (see Deiss, col. 2, lns 66-69); metal materials which can be welded are not an inherently flexible material, but must be sufficiently rigid to be welded and for the weld to remain in place to hold the parts together. Additionally, the sleeves in Deiss that are welded to the inner ends of the baffles are used to secure the baffles to vertical rods (31, 34) with set screws (45, 46); set screws are used so as not to permit the sleeves and attached baffles to rotate about the rod (see Deiss, col. 2, lns 68-71). Further, the rods of Deiss are secured to welded sleeves and fixed with collars to prevent vertical movement of the rods (see Deiss col. 2, lns. 54- 64). Since the rods of Deiss are not intended to move, and the baffles are fixed to the rods by means of set screws, the baffles of

Deiss cannot move either. Therefore, Deiss does not teach a cleaning shoe having flexible panels that are intended to move with the movement of the shoe, and therefore anticipate the present invention in which the panels are mounted such that they are intended to flap and pivot about their mount as the shoe moves, with the panels having a weight attached to the outside edge of the flexible panels to give the panels greater velocity when moving. Thus, reconsideration and withdrawal of the rejection of Claims 1-9 and 15-21 as being anticipated by Deiss is respectfully requested.

In paragraph 6, the Examiner rejected Claims 10-12 under 35 USC 103(a) as being unpatentable over Deiss in view of US Patent 4,875,889 to Hagerer (hereinafter "Hagerer"), and in paragraph 7, Claims 9, 13, 14 and 19 were rejected under 35 USC 103(a) as being unpatentable over Deiss in view of Hagerer and US Patent 3,731,475 to Balthese (hereinafter "Balthes"). The Examiner indicates that Hagerer teaches a sieves having longitudinal dividers, and that Balthes teaches a device wherein the panels are made of rubber. As explained above, Applicant has amended independent Claims 1, 5 and 15 to include the limitation that the outer edge of the panel has a weight attached thereto. None of the references cited teach or imply, alone or together, a cleaning shoe having sidewalls and longitudinal dividers, with panels extending from the longitudinal dividers and sidewalls into the stream of grain, the panels being made of a flexible material intended move with the movement of the shoe, the panels having a weight attached to the outer end thereof. Thus Deiss, alone or in combination with Balthes and/or Hagerer do not teach or suggest the invention of the present application. Therefore, reconsideration and withdrawal of the rejection of Claims 9-14 and 19 as being obvious in light of Deiss, Hagerer and Balthes is respectfully requested.

It is therefore believed that the rejection of Claims 1-5 and 11-21 should be withdrawn and that this application is in condition for allowance. Such allowance is respectfully requested.


A Request for Continued Examination accompanies this Amendment. Any fees or charges due as a result of filing of the present communication or the accompanying Request may be charged against Deposit Account 04-0525. If the Examiner has any questions or requires any clarifications, she is respectfully invited to contact the undersigned at the below telephone number.

Respectfully,


Attorney for Applicant(s)

Dawn C. Wolff
Reg. No. 48,695
Patent Department
Deere & Company
One John Deere Place
Moline, IL 61265
Telephone No. (309) 765-4325

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Cynthia Kersey
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